

THIRTY-FIFTH DAY
(Tuesday, March 15, 1977)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Truan, Williams.

Absent-excused: Longoria, Mauzy, Traeger.

A quorum was announced present.

The Reverend Conway Wharton, First Presbyterian Church, San Marcos, Texas, offered the invocation as follows:

Hear the Word of God from Psalm 5:1-3

Give ear to my words of Lord, consider my meditation. Hearken unto the voice of my cry, my King and my God; for unto Thee will I pray. My voice wilt Thou hear in the morning, O Lord: in the morning I will direct my prayer unto Thee, and will look up.

As the psalmist prayed and committed himself to pray each morning and looked up in full expectation, in trust and faith that God would hear, answer his prayers and lead him, let us in the same manner lift our hearts to God in prayer.

Our Father in heaven: we thank You for the gift of life, for loved ones and friends who make our lives rich and meaningful. We thank You that You have created us with a dependence on You and on one another, for no one can live alone. We thank You that we have been made in Your own image with power to create and establish law and order in our society. We thank You that You have created us so that no two of us are alike. We each see and feel life from different perspectives. Help these Your servants to take advantage of these differences to negotiate legislation that will be most helpful to our society.

Bless the members of this Senate, the House and the Governor of this state. Grant unto them peace and strength in their private lives that they may give their full attention to matters of state. Make them sensitive to the leading of Your Spirit that Your will may be done on earth.

Forgive our pride, our willfulness, our selfish ambition, our resentments and bitterness and grant us a new heart that will free us to do Your will. Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senator Mauzy was granted leave of absence for today on account of important business on motion of Senator Clower.

Senator Traeger was granted leave of absence for today on account of important business on motion of Senator Andujar.

Senator Longoria was granted leave of absence for today on account of important business on motion of Senator Lombardino.

CO-AUTHOR OF SENATE BILL 933

On motion of Senator Clower and by unanimous consent, Senator Doggett will be shown as Co-author of **S.B. 933**.

CO-AUTHOR OF SENATE BILL 152

On motion of Senator Meier and by unanimous consent, Senator Lombardino will be shown as Co-author of **S.B. 152**.

REPORTS OF STANDING COMMITTEES

Senator Brooks submitted the following report for the Committee on Human Resources:

S.B. 326
S.B. 416 (Amended)
S.B. 422
S.B. 654 (Amended)
S.B. 676 (Amended)
S.B. 700
S.B. 785
S.B. 804
S.B. 893
S.B. 894
C.S.S.B. 427 (Read first time)
C.S.S.B. 423 (Read first time)
C.S.S.B. 421 (Read first time)

Senator Aikin submitted the following report for the Committee on Finance:

C.S.S.B. 336 (Read first time)

Senator Moore submitted the following report for the Committee on State Affairs:

S.B. 737
S.B. 652 (Amended)
S.B. 756
S.B. 778
S.B. 859
C.S.S.B. 566 (Read first time)
C.S.S.B. 707 (Read first time)

BILLS SIGNED

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled bills:

H.B. 30
H.B. 164
H.B. 223

H.B. 876**H.B. 761****MESSAGE FROM THE HOUSE**

House Chamber

March 15, 1977

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S.C.R. 35, Designating March 15, 1977, as PTA Day at the Legislature.

S.C.R. 59, Inviting the Honorable Enrique Cardenas Gonzalez, Governor of the State of Tamaulipas, Mexico, to address a joint session of the House and Senate, March 29, 1977.

S.B. 217, A bill to be entitled An Act relating to the sale and purchase of a child; amending Chapter 25, Penal Code, by adding Section 25.06; and repealing Subdivision 13, Section 8(a), The Public Welfare Act of 1941, as amended (Article 695c, Vernon's Texas Civil Statutes). (With amendment)

Respectfully submitted,
BETTY MURRAY, Chief Clerk
House of Representatives

HOUSE BILLS ON FIRST READING

The following bills received from the House, were read the first time and referred to the Committee indicated:

H.B. 670, To Committee on Human Resources.
H.B. 754, To Committee on Human Resources.
H.B. 685, To Committee on Natural Resources.
H.B. 926, To Committee on Intergovernmental Relations.
H.B. 570, To Committee on Natural Resources.
H.B. 828, To Committee on Administration.
H.B. 280, To Committee on Natural Resources.
H.B. 748, To Committee on Human Resources.
H.B. 372, To Committee on Intergovernmental Relations.

SENATE BILL ON FIRST READING

By unanimous consent, the following bill was introduced, read first time and referred to the Committee indicated:

S.B. 1172 by Sherman Natural Resources
Relating to the creation and staffing of the Texas Energy Advisory Council and its powers and duties; creating the Advisory Committee of the Texas Energy Advisory Council; providing for travel expense and compensation; providing for cooperation by other state agencies; and declaring an emergency.

SENATE BILL 72 ON SECOND READING

On motion of Senator Lombardino and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 72, A bill to be entitled An Act relating to maximum speed limits near certain schools; amending the Uniform Act Regulating Traffic on Highways, as amended (Article 6701d, Vernon's Texas Civil Statutes), by adding Subsection (d) to Section 167 and Subsections (d) and (e) to Section 169.

The bill was read second time.

Senator Lombardino offered the following committee amendment to the bill:

Amend **S.B. 72** by striking Section 2(d) and inserting a new subsection (d) to read as follows:

“(d) The governing body of an incorporated city, town, or village in which a public or private institution of elementary or secondary education is located shall hold upon request a public hearing at least once each calendar year to consider maximum prima facie speed limits on streets and highways, including highways in the State Highway System, near the institution. If a county road outside the State Highway System is located within 500 feet of a public or private institution of elementary or secondary education that is not within the limits of an incorporated city, town, or village, the county commissioners court shall hold upon request a public hearing at least once each calendar year to consider the maximum prima facie speed limit on the road near the institution. A municipal governing body or commissioners court may hold upon request one public hearing for all public and private institutions of elementary or secondary education within its jurisdiction.”

The committee amendment was read and was adopted.

Senator Lombardino offered the following committee amendment to the bill:

Amend **S.B. 72**, Section 1(d) by inserting the words “upon request” between the words “hold” and “a” to read as follows:

“(d) The State Highway and Public Transportation Commission shall hold upon request a public hearing at least once each calendar year to consider maximum prima facie speed limits on highways in the State Highway System that are near public or private institutions of elementary or secondary education.”

The committee amendment was read and was adopted.

On motion of Senator Lombardino and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 72 ON THIRD READING

Senator Lombardino moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 72** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Paired Vote 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, McKnight, Meier, Mengden, Moore, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Truan, Williams.

Absent-excused: Longoria, Mauzy, Traeger.

PAIRED VOTE

Senator Ogg (Present), who would vote "Nay", with Senator Mauzy (absent), who would vote "Yea".

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 27, Paired Vote 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, McKnight, Meier, Mengden, Moore, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Truan, Williams.

Absent-excused: Longoria, Mauzy, Traeger.

PAIRED VOTE

Senator Ogg (Present), who would vote "Nay", with Senator Mauzy (absent), who would vote "Yea".

SENATE BILL 155 ON SECOND READING

On motion of Senator Meier and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 155, A bill to be entitled An Act relating to control by the Court of Criminal Appeals of extensions of time for appeals of criminal cases; amending Section 3, Subsection (a) of Section 6, Sections 9 and 10, and adding Section 16 to Article 40.09, Code of Criminal Procedure, 1965, as amended.

The bill was read second time and was passed to engrossment.

SENATE BILL 155 ON THIRD READING

Senator Meier moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 155** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Longoria, Mauzy, Traeger.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0.

Absent-excused: Longoria, Mauzy, Traeger.

SENATE BILL 754 ON SECOND READING

Senator Moore moved to suspend the regular order of business to take up for consideration at this time:

S.B. 754, Relating to an increase in monthly benefits payable by the Employees Retirement System to certain annuitants; creating a new Benefit Increase Reserve Fund for monies appropriated for adjustments of pre-existing annuities made effective on or after June 1, 1977; providing for the accrual of interest on Benefit Increase Reserve Fund assets; authorizing and making an appropriation to fund the increases; conditioning such increases on that appropriation; and declaring an emergency.

The motion prevailed by the following vote: Yeas 26, Nays 1, Paired Vote 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, McKnight, Meier, Mengden, Moore, Parker, Santiesteban, Schwartz, Sherman, Snelson, Truan, Williams.

Nays: Patman.

Absent-excused: Longoria, Mauzy, Traeger.

PAIRED VOTE

Senator Ogg (present), who would vote "Nay", with Senator Mauzy (absent), who would vote "Yea".

The President then laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment.

SENATE BILL 754 ON THIRD READING

Senator Moore moved to suspend the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 754** by placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 1, Paired Vote 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann,

Lombardino, McKnight, Meier, Mengden, Moore, Parker, Santiesteban, Schwartz, Sherman, Snelson, Truan, Williams.

Nays: Patman.

Absent-excused: Longoria, Mauzy, Traeger.

PAIRED VOTE

Senator Ogg (present), who would vote "Nay", with Senator Mauzy (absent), who would vote "Yea".

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

RECORD OF VOTE

Senator Patman asked to be recorded as voting "Nay" on the final passage of the bill.

SENATE BILL 679 ON SECOND READING

On motion of Senator Moore and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 679, Making supplemental appropriations to the Texas Department of Corrections.

The bill was read second time and was passed to engrossment.

SENATE BILL 679 ON THIRD READING

Senator Moore moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 679** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Longoria, Mauzy, Traeger.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0.

Absent-excused: Longoria, Mauzy, Traeger.

SENATE BILL 549 ON SECOND READING

On motion of Senator Moore and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 549, Amending Section 15, Chapter 173, Acts of the 47th Legislature, Regular Session, 1941, as amended (Article 6687b, Vernon's Texas Civil Statutes), to dedicate all fees and charges for the maintenance and support of the Texas Department of Public Safety; and declaring an emergency.

The bill was read second time and was passed to engrossment.

SENATE BILL 549 ON THIRD READING

Senator Moore moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 549** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 1, Paired Vote 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Snelson, Truan, Williams.

Nays: Schwartz.

Absent: Brooks.

Absent-excused: Longoria, Mauzy, Traeger.

PAIRED VOTE

Senator Sherman (present), who would vote "Yea", with Senator Mauzy (absent), who would vote "Nay".

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

SENATE BILL 531 ON SECOND READING

Senator Harris asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

S.B. 531, Adding the president of North Texas State University to the membership of the Natural Fibers and Food Protein Commission; amending Section 2, Chapter 474, Acts of the 47th Legislature, Regular Session, 1941, as amended (Article 165-4a, Vernon's Texas Civil Statutes).

There was objection.

Senator Harris then moved to suspend the regular order of business and take up S.B. 531 for consideration at this time.

The motion prevailed by the following vote: Yeas 25, Nays 1, Paired Vote 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Doggett, Farabee, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, McKnight, Meier, Mengden, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Truan, Williams.

Nays: Hance.

Absent: Moore.

Absent-excused: Longoria, Mauzy, Traeger.

PAIRED VOTE

Senator Clower (present), who would vote "Nay", with Senator Mauzy (absent), who would vote "Yea".

The President laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment.

RECORD OF VOTE

Senator Hance asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 531 ON THIRD READING

Senator Harris moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 531 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 1, Paired Vote 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Doggett, Farabee, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Truan, Williams.

Nays: Hance.

Absent-excused: Longoria, Mauzy, Traeger.

PAIRED VOTE

Senator Clower (present), who would vote "Nay" with Senator Mauzy (absent), who would vote "Yea".

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 1, Paired Vote 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Doggett, Farabee, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Truan, Williams.

Nays: Hance.

Absent-excused: Longoria, Mauzy, Traeger.

PAIRED VOTE

Senator Clower (present), who would vote "Nay", with Senator Mauzy (absent), who would vote "Yea".

SENATE BILL 210 ON SECOND READING

Senator Andujar moved to suspend the regular order of business to take up for consideration at this time:

S.B. 210. A bill to be entitled An Act relating to the possession of antique gambling devices; amending Section 47.06, Penal Code.

The motion prevailed by the following vote: Yeas 21, Nays 6, Paired Vote 1.

Yeas: Andujar, Braecklein, Brooks, Creighton, Doggett, Farabee, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Meier, Mengden, Moore, Ogg, Parker, Santiesteban, Schwartz, Sherman, Snelson, Truan.

Nays: Adams, Aikin, Hance, McKnight, Patman, Williams.

Absent-excused: Longoria, Mauzy, Traeger.

PAIRED VOTE

Senator Clower (present), who would vote "Nay", with Senator Mauzy (absent), who would vote "Yea".

The President then laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time.

Senator Andujar offered the following committee amendment to the bill:

Amend **S.B. 210** by striking the word "affirmative" on page one, line 19, so that the bill reads: "It is a defense" and continuing with the same language.

The committee amendment was read and was adopted.

On motion of Senator Andujar and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

RECORD OF VOTES

Senators Hance, McKnight, Patman, Aikin, Clower and Adams asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 210 ON THIRD READING

Senator Andujar moved to suspend the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 210 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 22, Nays 4, Paired Vote 1.

Yeas: Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Taylor, Kothmann, Lombardino, Meier, Mengden, Moore, Ogg, Parker, Santiesteban, Schwartz, Sherman, Snelson, Truan.

Nays: Adams, McKnight, Patman, Williams.

Absent: Jones of Harris.

Absent-excused: Longoria, Mauzy, Traeger.

PAIRED VOTE

Senator Aikin (present), who would vote "Nay", with Senator Mauzy (absent), who would vote "Yea".

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 21, Nays 6, Paired Vote 1.

Yeas: Andujar, Braecklein, Brooks, Creighton, Doggett, Farabee, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Meier, Mengden, Moore, Ogg, Parker, Santiesteban, Schwartz, Sherman, Snelson, Truan.

Nays: Adams, Clower, Hance, McKnight, Patman, Williams.

Absent-excused: Longoria, Mauzy, Traeger.

PAIRED VOTE

Senator Aikin (present), who would vote "Nay", with Senator Mauzy (absent), who would vote "Yea".

SENATE BILL 236 ON SECOND READING

On motion of Senator Mengden and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 236, A bill to be entitled An Act relating to the defense of certain suits against peace officers employed by an incorporated city or town or a special purpose district.

The bill was read second time and was passed to engrossment.

SENATE BILL 236 ON THIRD READING

Senator Mengden moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 236** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Longoria, Mauzy, Traeger.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0.

Absent-excused: Longoria, Mauzy, Traeger.

SENATE BILL 412 ON SECOND READING

The President laid before the Senate as unfinished business, the rules having been suspended and read second time on March 1:

S.B. 412, Relating to the operation of vehicles used to transport ready-mixed concrete; amending Chapter 293, Acts of the 53rd Legislature, Regular Session, 1953, as amended (Article 6701d-12, Vernon's Texas Civil Statutes).

Question - Shall **S.B. 412** be passed to engrossment?

Senator Schwartz offered the following amendment to the bill:

Amend Senate Bill 412 by adding new sections 3 and 4, as follows, and renumbering present Section 2 as Section 5.

"Sec. 3. When any county, city or town determines that public highways under their jurisdiction is found insufficient to carry the maximum gross vehicle axle loads authorized in Section 1, the governing body of said county, city or town is hereby authorized to prescribe, by order or ordinance, reasonable rules and regulations governing the operation of vehicles to transport ready-mixed concrete over public highways maintained by such county, city or town. Such rules and regulations may include, but need not be limited to, weight limitations on vehicles with a tandem axle load which exceeds 36,000 pounds, a single axle load which exceeds 12,000 pounds, and a gross load which exceeds 48,000 pounds.

"Sec. 4. The governing body of any county, city or town may require the owner of any ready-mixed concrete vehicle to file a surety bond in a sum not to exceed \$15,000, and conditioned that the owner of such vehicle will pay to such county, city or town all damages done to the highways by reason of the operation of such vehicle with a tandem axle load in excess of 34,000 pounds."

SCHWARTZ
HARRIS

The amendment was read and was adopted.

Senator Schwartz offered the following amendment to the bill:

Amend Senate Bill 412 by adding a new section 5 as follows, and renumbering present Section 2 as Section 6.

Sec. 5. In all permitted maximum gross vehicle axle loads the vehicle used must comply with and not exceed the gross axle weight ratings and gross vehicle weight ratings imposed on their respective manufacturers and other equipment installers pursuant to the National Traffic and Motor Vehicle Safety Act of 1966 and amendments thereto.

The amendment was read and failed of adoption by the following vote: Yeas 6, Nays 21, Paired Vote 1.

Yeas: Braecklein, Farabee, Patman, Schwartz, Sherman, Truan.

Nays: Adams, Aikin, Andujar, Brooks, Creighton, Doggett, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, McKnight, Meier, Mengden, Moore, Ogg, Parker, Santiesteban, Snelson, Williams.

Absent-excused: Longoria, Mauzy, Traeger.

PAIRED VOTE

Senator Clower (present), who would vote "Nay", with Senator Mauzy (absent), who would vote "Yea".

On motion of Senator Harris and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

RECORD OF VOTES

Senators Schwartz and Sherman asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 412 ON THIRD READING

Senator Harris moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 412 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 22, Nays 5, Paired Vote 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, McKnight, Meier, Mengden, Moore, Ogg, Parker, Santiesteban, Snelson, Truan, Williams.

Nays: Doggett, Farabee, Patman, Schwartz, Sherman.

Absent-excused: Longoria, Mauzy, Traeger.

PAIRED VOTE

Senator Clower (present), who would vote "Yea", with Senator Mauzy (absent), who would vote "Nay".

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 21, Nays 6, Paired Vote 1.

Yeas: Adams, Aikin, Braecklein, Brooks, Creighton, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, McKnight, Meier, Mengden, Moore, Ogg, Parker, Santiesteban, Snelson, Truan, Williams.

Nays: Clower, Doggett, Farabee, Patman, Schwartz, Sherman.

Absent-excused: Longoria, Mauzy, Traeger.

PAIRED VOTE

Senator Andujar (present), who would vote "Yea", with Senator Mauzy (absent), who would vote "Nay".

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on State Affairs, Sub-Committee on Nominations:

Austin, Texas
March 15, 1977

TO THE SENATE OF THE SIXTY-FIFTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments pursuant to Senate Bill 330, 65th Legislature, Regular Session:

To be effective April 1, 1977:

To be Judge of the 217th Judicial District of Texas, Angelina County, until the next general election and until his successor shall be duly elected and qualified: The Honorable David V. Wilson of Lufkin, Angelina County.

To be Judge of the 218th Judicial District of Texas, Atascosa, Frio, Karnes, LaSalle and Wilson Counties, until the next general election and until his successor shall be duly elected and qualified: The Honorable Robert Lee Eschenburg, II of Floresville, Wilson County.

To be Judge of the 219th Judicial District of Texas, Collin County, until the next general election and until his successor shall be duly elected and qualified: The Honorable John L. McCraw, Jr., of McKinney, Collin County.

To be Judge of the 220th Judicial District of Texas, Hamilton, Comanche and Bosque Counties, until the next general election and until his successor shall be duly elected and qualified: The Honorable Andrew Campbell of Hamilton, Hamilton County.

To be Judge of the 221st Judicial District of Texas, Montgomery County, until the next general election and until his successor shall be duly elected and qualified: The Honorable Lee G. Alworth of Conroe, Montgomery County.

To be Judge of the 222nd Judicial District of Texas, Deaf Smith and Oldham Counties, until the next general election and until his successor shall be duly elected and qualified: The Honorable David Wesley Gulley of Hereford, Deaf Smith County.

To be Judge of the 223rd Judicial District of Texas, Gray County, until the next general election and until his successor shall be duly elected and qualified: The Honorable Don E. Cain of Pampa, Gray County.

To be Judge of the 224th Judicial District of Texas, Bexar County, until the next general election and until his successor shall be duly elected and qualified: The Honorable Al J. Klein of San Antonio, Bexar County.

To be Judge of the 225th Judicial District of Texas, Bexar County, until the next general election and until his successor shall be duly elected and qualified: The Honorable Alfonso Chapa of San Antonio, Bexar County.

To be Judge of the 226th Judicial District of Texas, Bexar County, until the next general election and until his successor shall be duly elected and qualified: The Honorable M. Ted Butler of San Antonio, Bexar County.

To be Criminal District Attorney for Bexar County, Texas until the next general election and until his successor shall be duly elected and qualified: The Honorable Bill Marvin White of San Antonio, Bexar County is replacing Mr. M. Ted Butler of San Antonio, Bexar County who resigned.

To be Judge of the 227th Judicial District of Texas, Bexar County, until the next general election and until his successor shall be duly elected and qualified: The Honorable Mike M. Machado of San Antonio, Bexar County.

To be Judge of the 228th Judicial District of Texas, Harris County, until the next general election and until his successor shall be duly elected and qualified: The Honorable Allen L. Stilley of Humble, Harris County.

To be Judge of the 230th Judicial District of Texas, Harris County, until the next general election and until her successor shall be duly elected and qualified: The Honorable Joe Kegans of Houston, Harris County.

To be Judge of the 232nd Judicial District of Texas, Harris County, until the next general election and until his successor shall be duly elected and qualified: The Honorable J. D. Guyon of Houston, Harris County.

To be Judge of the 233rd Judicial District of Texas, Tarrant County, until the next general election and until his successor shall be duly elected and qualified: The Honorable Harold Louis Valderas of Fort Worth, Tarrant County.

To be Judge of the 234th Judicial District of Texas, Harris County, until the next general election and until her successor shall be duly elected and qualified: The Honorable Ruby Kless Sondock of Houston, Harris County.

To be Judge of the Domestic Relations Court Number 5, Harris County, Texas until the next general election and until his successor shall be duly elected and qualified: The Honorable Felix Salazar, Jr., of Houston, Harris County is replacing Judge Ruby Kless Sondock of Houston, Harris County who resigned.

To be Judge of the 236th Judicial District of Texas, Tarrant County, until the next general election and until his successor shall be duly elected and qualified: The Honorable Albert L. White, Jr., of Fort Worth, Tarrant County.

To be Judge of the 237th Judicial District of Texas, Lubbock County, until the next general election and until his successor shall be duly elected and qualified: The Honorable John R. McFall of Lubbock, Lubbock County.

To be Judge of the 238th Judicial District of Texas, Midland County, until the next general election and until his successor shall be duly elected and qualified: The Honorable Vann Culp of Midland, Midland County.

To be Judge of the 241st Judicial District of Texas, Smith County, until the next general election and until his successor shall be duly elected and qualified: The Honorable Glenn S. Phillips of Tyler, Smith County.

To Be Effective September 1, 1977:

To be Judge of the 231st Judicial District of Texas, Tarrant County, until the next general election and until his successor shall be duly elected and qualified: The Honorable Joe Spurlock, II of Fort Worth, Tarrant County.

Respectfully submitted,
DOLPH BRISCOE
Governor of Texas

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 339 - by Mauzy: Extending congratulations to South Oak Cliff High School "Golden Bears".

S.R. 342 - By Doggett: Recognizing the individual worth and needs of all exceptional children.

S.R. 343 - by Doggett: Extending welcome to Reverend Conway Wharton.

S.R. 344 - by Clower: Extending congratulations to Texas Congress of Parents and Teachers.

S.R. 345 - by Snelson: Extending congratulations to Mr. and Mrs. C. O. (Buster) Whitworth.

S.R. 346 - by Snelson: Extending congratulations to Billy W. Mays.

S.R. 347 - by Clower: Extending welcome to Mary Floyd, Betty Grant, J. C. Cannaday and Orville J. Pinson.

S.R. 348 - by Adams: Extending congratulations to Elsworth Greer.

ADJOURNMENT

On motion of Senator Aikin the Senate at 12:10 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

THIRTY-SIXTH DAY (Wednesday, March 16, 1977)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, McKnight, Mcier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Absent-excused: Mauzy.

A quorum was announced present.

Senator Grant Jones offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

Senator Mauzy was granted leave of absence for today on account of important business on motion of Senator Clower.

CO-AUTHOR OF SENATE BILL 189

On motion of Senator Williams and by unanimous consent, Senator Ogg will be shown as Co-author of **S.B. 189**.